

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI Sadao, et al

- Defendants -

A F F I D A V I T

NISHI HARUHIKO

Having first duly sworn an oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. I entered the Foreign Ministry in 1918, serving as Vice-Minister from October 1941 to September 1942. During that period I discharged the usual administrative functions of vice-minister, and was familiar also with the business of the Ministry in general, and with the Japanese-American negotiations in particular.

2. I have seen Exhibits 3,836 and 3,837, being circular telegrams of 12 and 25 November 1941 respectively, from the Foreign Ministry to ambassadors, ministers and consuls advising the state of the Japanese-American negotiations. I can testify from my experience in drafting and sending such messages as Foreign Ministry section chief, bureau director and vice-minister, and my experience in receiving them as secretary and councillor of embassy and minister, that it is customary to give in such messages only general and simplified explanations of the state of current business, for the information of the diplomatic service at large. It was never the practice of the Japanese Foreign Ministry during my 24 years of service, nor as I know from conversations with friends in other nations' diplomatic services--was it the custom in other diplomatic services, to disclose in such cases the details of secret and grave diplomatic negotiations currently in progress.

DEF. DOC. #3069

On this 3rd day of February 1948

At Tokyo

DEPONENT: /S/ NISHI, Haruhiko (seal)

I, NISHI, Haruhiko, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness: /S/ SHICRIDA, Motoharu (seal)

OATH

In accordance with my conscience I swear to tell the whole truth withholding nothing and adding nothing.

/S/ NISHI, Haruhiko (seal)

DEF. DOC. #7069

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI Sadao, et al

- Defendants -

A F F I D A V I T

NISHI HARUHIKO

Having first duly sworn on oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. I entered the Foreign Ministry in 1918, serving as Vice-Minister from October 1941 to September 1942. During that period I discharged the usual administrative functions of vice-minister, and was familiar also with the business of the Ministry in general, and with the Japanese-American negotiations in particular.

2. I have seen Exhibits 3,336 and 3,337, being circular telegrams of 12 and 25 November 1941 respectively, from the Foreign Ministry to ambassadors, ministers and consuls advising the state of the Japanese-American negotiations. I can testify from my experience in drafting and sending such messages as Foreign Ministry section chief, bureau director and vice-minister, and my experience in receiving them as secretary and councillor of embassy and minister, that it is customary to give in such messages only general and simplified explanations of the state of current business, for the information of the diplomatic service at large. It was never the practice of the Japanese Foreign Ministry during my 24 years of service, nor as I know from conversations with friends in other nations' diplomatic services--was it the custom in other diplomatic services, to disclose in such cases the details of secret and grave diplomatic negotiations currently in progress.

3. In my experience, moreover, it has been common practice in the course of particularly important negotiations for the Foreign Ministry to issue to its representatives abroad such instructions as "our virtually final proposal is ..." or "we cannot make further concessions in this matter". As examples of this practice, I remember that on the two occasions during my service in Moscow when there were grave difficulties over the fisheries agreements--in 1925-28, and again in 1936-39--instructions frequently came to us to the effect that such-and-such a proposal was Japan's "last word" on the subject, or that there was "no alternative". Upon my return to Tokyo, in 1928, I saw the other side of the picture, being responsible as section chief in the Commercial Bureau for sending such instructions. Again the same situation occurred in 1933, when our representatives were instructed during the tariff negotiations with China and other countries that further concessions could not be made. In each of these instances further concessions were in fact made by the Japanese side, even after the giving of such instructions.

4. During the Japanese-American negotiations of 1941 the instructions sent in the exhibits above referred to, as well as such others of similar nature as were sent, were drawn in accordance with this practice in matters of importance, and also because of the intention of the Foreign Minister, myself, and the bureau and section chiefs concerned, of making clear to our diplomatic representatives the gravity of the situation and the necessity for taking a firm stand, which it was felt by us they would be in a better position to do if they were convinced of it. As I know of my own knowledge, there was never at any time in the Japanese-American negotiations prior to the receipt of the United States note of 26 November any Japanese proposal which was "final" or "last" in the sense that it might not be made the object of further concessions in the event of any indication's appearing that the other party had such a desire for agreement that the making of such concessions might lead to the successful conclusion of negotiations. The Foreign Minister frequently told me that he desired to renew the fight to secure further concessions, if the United States would show any conciliatory attitude which would give him grounds to urge that course.

DWF. DOC. #3069

On this 3rd day of February 1948

At Tokyo

DEPONENT: /S/ NISHI, Haruhiko (seal)

I, NISHI, Haruhiko, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At the same place

Witness: /S/ SHICHIDA, Motoharu (seal)

OATH

In accordance with my conscience I swear to tell the whole truth withholding nothing and adding nothing.

/S/ NISHI, Haruhiko (seal)

Def, Doc 1835

Exh,

返東國際軍事裁判所

亞米利加合衆國其他

製

荒木貞夫其他

宣
言
供
述
書

供
述
者
西

春

彦

自分儀我國ニ行ハルル方式ニ從ヒ先ヅ別紙ノ通り宣誓ヲ爲シタル上
次ノ如ク供述致シマス

Def, Doc 8069

Exh,

極東國際軍事裁判所

亞米利加合衆國其他

對

荒木貞夫其他

宣誓供述書

供述者西

春

彦

自分儀我國ニ行ハルル方式ニ從ヒ先ヅ別紙ノ通り宣誓ヲ爲シタル上
次ノ如ク供述致シマス

ありません。

三、私の経験からして特に重要な外交交渉に於て外務省が其の出先の代表に對し「我方の事實上の最後提案は云々」とか「本件に付我方は此の上譲歩する能はず」と云ふ様な訓令を出すことは普通のことでありました。例へば一九二五年乃至二八年及一九三八年乃至三九年の私の莫斯科在勤時代漁業協約問題が危機に類した場合は其の何れの場合にもこれ々々の提案は本件に關する日本の「最後の言葉」であるとか「最早や他に譲歩の余地なし」とか云ふ訓令を屢々受領したことを記憶します。一九二八年本省に於て通商局の主管課長として本件交渉に就ての本省側の取扱振を知つて居ます。又一九三三年支那其の他の國との關稅交渉に於て出先に對し「此の上の譲歩は不可能なり」との趣旨の訓令を發したことを知つて居ます。右の如き場合に於て斯る訓令の發出後日本側では實際にそれ以上の譲歩をして居るのであります。

Def, Doc 15060

Exh,

遠東國際軍事裁判所

亞米利加合衆國其他

斐

荒 木 貞 夫 其他

宣 誓 供 述 書

供 述 者 西 尋 彦

自分義我國ニ行ハルル方式ニ從ヒ先ヅ別紙ノ通り宣誓ヲ爲シタル上
次ノ如ク供述致シマス

二 私は一九一八年外務省に入り一九四一年十月から一九四二年九月迄外務次官でありました。次官在任時代私は次官としての通常の職務を果し省務一般特に日米交渉に就てよく承知して居ました。三 私に法廷證第三八三六號及第三八三七號即ち一九四一年十一月十二日及二十五日付外務省發在外使臣宛の日米交渉に就て説明した電報を見ました。

私は外務省の課長、局長及次官として斯る電報を起草發電し、又大使館書記官、参事官及公使として斯る電報を受領した経験から斯る電報は在外使臣一般に對する情報として其の時々々の問題の概略のみを簡単に傳へる習はしてゐたことを證言出來ます。私の過去二十四年間の外務省勤務を通じてみても外務省が進行中の重要外交交渉案件に就て斯る電報で其の機密の詳細を傳へる様なことは決してなかつたし、又外國の同僚から聞いた所からしても何處の國でも其の外務省斯ることをすると云ふことは聞いたこととは

ありません。

三、私の経験からして特に重要な外交交渉に於て外務省が其の出先の代表に對し「我方の事實上の最後提案は云々」とか「本件に付我方は此の上譲歩する能はず」と云ふ様な訓令を出すことは普通のことでありました。例へば一九二五年乃至二八年及一九三八年乃至三九年の私の莫斯科運動時代漁業協約問題が危機に類した場合其の何れの場合にもこれ々々の提案は本件に關する日本の「最後の言葉」であるとか「最早や他に譲歩の余地なし」とか云ふ訓令を屢々受領したことを記憶します。一九二八年本省に戻つて通商局の主管課長として本件交渉に就ての本省側の取振を知つて居ます。又一九三三年支那其の他の國との關稅交渉に於て出先に對し「此の上の譲歩は不可能なり」との趣旨の訓令を發したことを知つて居ます。右の如き場合に於て斯る訓令の發出後や本側では實際にそれ以上の譲歩をして居るのであります。

一九四一年の日米交渉に於て前掲法廷證の訓令其他同じ様な性質の訓令が出て居ますが、これ等訓令は前記の履行に従つて書かれたものであり、更には又外務大臣、私、關係局長に於て在外代表に對し事態の重大性並にしつかりした態度をとることの必要を認識せしむることを適當と認め其の目的の爲に右の様に書かれたのであります。私の知る限り日米交渉の全局を通じて十一月二十六日のハル、ノート接到以前に於ては日本側に於て若し相手方が譲歩を示し來り交渉成立の可能性を認め得らるゝが如き場合にも猶我方より更に譲歩することが出来ない様な意味に於て「最後」即ち「ファイナル」又は「ラスト」であつた。提議が爲されたことはありません。外務大臣は私に對し米國が互譲的態度を示して來れば自分として日本側で更に譲歩を爲す様努力する余地が出て來るし、自分は其の爲全力を盡すことが出来るのを望むと繰返し言はれました。

Def, Doc 505F

昭和二十三年（一九四八年）二月三日 於東京

供 述 者 西 壽 彦 印

右ハ當立會人ノ面前ニテ宣誓シ且ツ署名捺印シタルコトヲ證明シ

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同日 於同所

立會人 七 田 基 玄 印

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良心ニ從ヒ眞實ヲ述べ何事ヲモ黙秘セズ又何事ヲモ附加セザルコト

宣

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(署名
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西

表

彦

(印)

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